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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,757	06/18/2001	David Guedalia	NMS03-05	1733
22468	7590	01/24/2006	EXAMINER	
CHAPIN & HUANG L.L.C. WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,757

Applicant(s)

GUEDALIA ET AL.

Examiner

Gerald Gauthier

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,11,20,21 and 24-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,4 and 11 is/are allowed.
- 6) ☒ Claim(s) 20,21,24-28 and 30-39 is/are rejected.
- 7) ☐ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 20, 21 24-28 and 30-39** are rejected under 35 U.S.C. 102(e) as being anticipated by Sarukkai (US 2002/0052747 A1).

Regarding **claim(s) 20**, Sarukkai discloses an interactive voice response system configured as a server that provides requested audio information associated with text-based documents (FIG. 1 and paragraph 0002), the server comprising:

a execution thread that processes an incoming request and, based on an audio input from a given user, identifies a request for audio information associated with a text-based document (FIG. 1 and paragraph 0031);

a fetcher that receives a signal from the execution thread to search a cache for executable code associated with the requested audio information, the fetcher retrieving

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corresponding executable code from the cache for execution thread to satisfy the request for audio information associated with the incoming request (FIG. 1 and paragraph 0033); and

wherein the fetcher initiates communication with a remote server to retrieve a text-based document associated with the requested information if corresponding executable code is not stored in the cache (paragraphs 0034 and 0035).

a compiler that converts the text-based document into executable speech code for storage in the cache (paragraphs 0037 and 0049).

Regarding **claim(s) 21**, Sarukkai discloses a server comprising a compiler that converts the text-based document into executable speech code for storage in the cache prior to receipt of the incoming request (paragraph 0041).

Regarding **claim(s) 24**, Sarukkai discloses a server wherein executable code stored in the cache is concurrently by multiple execution threads to provide multiple response to multiple users (paragraph 0031).

Regarding **claim(s) 25**, Sarukkai discloses a server comprising a storage device to store state information related to the executable code executed by the execution thread to satisfy the request for audio information associated with the incoming request (paragraph 0055).

Regarding **claim(s) 26**, Sarukkai discloses a server wherein executable code retrieved from the cache is associated with a corresponding viewable text-based document available on the World Wide Web (paragraph 0035).

Regarding **claim(s) 27**, Sarukkai discloses a server wherein executable thread receives the incoming call from a switchboard (paragraph 0031).

Regarding **claim(s) 28**, Sarukkai discloses a VoiceXML interpreter (paragraph 0037).

Regarding **claim(s) 30**, Sarukkai discloses all the limitations of **claim(s) 30** as stated in **claim(s) 20**'s rejection above. Furthermore Sarukkai discloses processing an incoming call based on an audio input from a given user (paragraph 0031).

Regarding **claim(s) 31**, Sarukkai discloses a method, wherein searching the cache for executable code associated with the requested audio information includes: searching amongst multiple sets of stored executable code in the cache for the executable code associated with the requested information, the multiple sets of executable code in the cache corresponding to documents previously compiled as a result of other respective users previously requesting audio information associated with the documents (paragraphs 0033 and 0034).

Regarding **claim(s) 32**, Sarukkai discloses a server, wherein the compiler converts the text-based document into executable code in response to a previous request by another user for the text-based document (paragraph 0037).

Regarding **claim(s) 33**, Sarukkai discloses a server, wherein the executable code stored in the cache is used at a later time to respond to corresponding future requests with respect to the text-based documents (paragraph 0051).

Regarding **claim(s) 34**, Sarukkai discloses all the limitations of **claim(s) 34** as stated in **claim(s) 20 and 30's** rejection above.

Regarding **claim(s) 35**, Sarukkai discloses an interactive voice response system, wherein the corresponding executable code is stored in the cache as a result of a previous request with respect to the text-based document, the fetcher searching the cache in order to retrieve the corresponding executable code from the cache for execution of the corresponding execution code by the execution thread to satisfy the request for audio information associated with the incoming request (paragraphs 0033 and 0034).

Regarding **claim(s) 36**, Sarukkai discloses an interactive voice response system, wherein the corresponding executable code is executable speech code, the interactive voice response system further comprising: a compiler that converts the text-based

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document into the executable speech code for storage in the cache prior to receipt of the incoming request (paragraph 0041).

Regarding **claim(s) 37**, Sarukkai discloses an interactive voice response system, wherein the fetcher initiates communication with a remote server to retrieve a text-based document associated with the requested information over a network connection if the corresponding executable code were not stored in the cache (paragraph 0033).

Regarding **claim(s) 38**, Sarukkai discloses an interactive voice response system, wherein the corresponding executable code fetched from the cache is concurrently utilized by multiple execution threads to provide a response to multiple users for requests with respect to a same text-based document (paragraph 0031).

Regarding **claim(s) 39**, Sarukkai discloses an interactive voice response system, wherein the corresponding executable code retrieved from the cache is associated with a corresponding viewable text-based document accessible over the World Wide Web (paragraph 0035).

Allowable Subject Matter

4. **Claim(s) 1, 4 and 11** are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art at this time fails to disclose a backup Voice XML interpreter providing a response to the user in case of failure of the primary voice response system.
6. **Claim(s) 29** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 20, 21, 24-28 and 30-39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

January 11, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600